

1 THE HONORABLE JOHN C. COUGHENOUR
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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 FEDERAL TRADE COMMISSION,

10 Plaintiff,

11 v.

12 AMAZON.COM, INC.,

13 Defendant.

No. 2:14-CV-01038-JCC

**DECLARATION OF AARON
RUBENSON IN RESPONSE
TO THE FTC'S MOTION TO SEAL**

NOTED ON MOTION CALENDAR:

Friday, February 12, 2016

14 I, Aaron Rubenson, declare as follows:

15 1. I am a director of the Amazon Appstore and have been since July 2011. I make
16 this declaration based upon personal knowledge as to which I am competent to testify

17 2. I have reviewed the exhibits and other papers filed under seal in support of the
18 FTC's motions for summary judgment and in limine that Amazon requests the Court maintain
19 under seal, in full or in part.

20 3. The documents and testimony included in the exhibits contain Amazon's
21 confidential and competitively sensitive information. Specifically, they contain (1) confidential
22 financial data related to Appstore performance and refund rates and (2) proprietary business
23 plans, surveys, and strategies, including those related to the reduction of the refund rate and the
24 overall improvement of Amazon's Appstore customer experience.

25 4. Specifically, of those documents that Amazon requests that the Court maintain
26 under seal, Exhibits 527, 528, and 529 contain detailed sales summaries; Exhibits 98, 107, 140,

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24976-0374/129847115.3

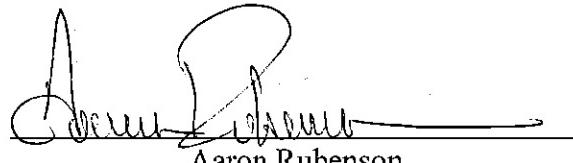
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Seattle, WA 98101-3099
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1 345, and 346 contain detailed customer-service financial data, refund rates, pricing analysis, and
2 policy proposals; and Exhibits 65, 105, 124, 152, 153, and 349 contain strategic plans and
3 competitive analysis, identify company priorities for vendors, detail focus-group results, outline
4 performance goals, display customer-usage data, and discuss financial impact. Minimal
5 redactions to the remaining documents focus almost exclusively on financial data related to
6 Appstore performance and refund rates. Other redactions, including those in Exhibit 61, are to
7 strategic plans and competitive analysis unrelated to in-app purchasing.

8 5. This financial and strategic information is confidential and competitively
9 sensitive. When relevant to its operations, to maintain its competitive position, or to ensure
10 customer satisfaction, Amazon collects and analyzes the information contained in these exhibits.
11 Amazon takes significant care to protect the confidentiality of this type of information. Those
12 efforts include prohibition of distribution outside of Amazon, limiting the people within Amazon
13 who may access such information, and storing the information in secure locations. Financial
14 data of the type contained in these exhibits, for example, are not shared with anyone outside
15 Amazon, the data is often strictly limited to specific Amazon employees, and Amazon
16 employees with access to such sensitive financial data are subject to nondisclosure agreements to
17 protect such information. I believe that public disclosure of these documents and testimony
18 would be useful to Amazon's competitors and likely would competitively harm Amazon. For
19 example, such data and information could provide Amazon's competitors insight they would not
20 otherwise have into the cost structure and profitability of the Amazon Appstore.

21 I declare under penalty of perjury that the foregoing is true and correct.
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23 EXECUTED at Seattle, WA, this 10th day of February, 2016.

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26 
Aaron Rubenson

DECLARATION OF AARON RUBENSON
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CERTIFICATE OF SERVICE

I certify that on February 10, 2016, I electronically filed the foregoing Declaration of Aaron Rubenson In Support of Amazon's Response to the FTC's Motion to Seal with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to attorneys of record.

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 10th day of February, 2016.

s/ Harry H. Schneider, Jr.

**DECLARATION OF AARON RUBENSON
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